

OFFICIAL FILE
ILLINOIS COMMERCE COMMISSION

ORIGINAL

BEFORE THE ILLINOIS COMMERCE COMMISSION

2003 JUL 11 A 10:57

CHIEF CLERK'S OFFICE

Petition of KMC Telecom, Inc. and KMC
Telecom II, Inc. to Surrender Their Certificates
To Provide Resold and Facilities-Based
Competitive Local Exchange and Resold
Interexchange Telecommunications Services
Within the State of Illinois)

Docket No. 03-0432

PETITION

KMC Telecom, Inc. ("KMC I") and KMC Telecom II, Inc. ("KMC II" and together with KMC I, the "Petitioners"), by their attorneys, respectfully surrender their Certificates to Provide Competitive Local Exchange and Interexchange Telecommunications Services within the State of Illinois. The Illinois Commerce Commission ("Commission") granted this authority to KMC I in Docket Number 96-0509 on March 12, 1997. KMC II received its authority in Docket Number 97-0678 on April 22, 1998.

KMC I and KMC II have recently reviewed their marketing and business plans and have determined that this certification is not necessary for its operations, and only serves to add an additional regulatory burden onto the Commission. Accordingly, KMC I and KMC II respectfully requests cancellation of their local exchange and interexchange certification in the State of Illinois. In addition, Petitioners note that they do not have any customers in the state and, as such, there will be no adverse impact on Illinois consumers by immediately granting the Petitioners' request.

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I.C.C. DOCKET NO. 04-0427

Staff Exhibit No. 1

Witness _____

Date 7-12-04 Reporter T-6

WHEREFORE, KMC TELECOM, INC. and KMC TELECOM II, INC. request that the Illinois Commerce Commission accept the surrender of their Certificates to Provide Resold and Facilities-Based Competitive Local Exchange and Resold Interexchange Telecommunications Services within the State of Illinois.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Nick Leverett', written over a horizontal line.

Nicholaus G. Leverett
Kelley Drye & Warren, LLP
1200 19th Street, NW, Suite 500
Washington, DC 20036
(202) 887-1212

Attorney for the Petitioners

Dated: July 7, 2003

VERIFICATION

State of Georgia :

: ss.

County of Gwinnett :

Mike Duke, Affiant, being duly sworn according to law, deposes and says that:

He is the Director-Government Affairs (Office of Affiant) of KMC Telecom, Inc. and KMC Telecom II, Inc.

That he is authorized to and does make this affidavit for said corporation;

That he has read the forgoing Petition, and that the facts set forth in therein are true and correct to the best of his knowledge, information, and belief and that he expects said corporation to be able to prove the same at any hearing hereof.

Mike Duke
Mike Duke
Director-Government Affairs
KMC Telecom, Inc. and KMC Telecom II, Inc.

Sworn and subscribed before me this 9th day of July, 2003

Don Johnson
Signature of official administering oath

My commission expires 12/2003